

**Stream and Wetlands System Protection Policy  
Public Workshops and CEQA Scoping Meetings  
Summary of Public Comments**

**Introduction**

The San Francisco Bay Regional Water Quality Control Board (Water Board) conducted a series of Public Workshops and California Environmental Quality Act (CEQA) Scoping Meetings regarding the proposed Stream and Wetlands System Protection Policy (Policy). Meetings were held in Oakland, Cupertino, and San Rafael, on May 1, 9, and 15, 2006, respectively. This document summarizes public comments received at those meetings.

**Summary of Comments**

**Scope**

- What extent of the floodplain will be protected by the Policy?
- Will the Policy protect uplands, lakes, lagoons, and vernal pools?
- The Water Board needs to set realistic, achievable goals or face public backlash when lofty, impractical goals are not met.
- Additional beneficial uses of riparian areas should include riparian habitat and sea-level rise buffer.
- The Policy should examine:
  - Connection between water supply and water quality
  - Cumulative effects
  - Impervious surfaces and flash runoff
  - Flood control infrastructure
  - Existing development
  - Public health and vector control
  - Noise impacts from streamside heavy machinery
  - Effectiveness of best management practices
  - Adequacy of existing Water Board policies including the current Water Quality Control Plan for the San Francisco Bay Basin
  - Existing local agency stream protection policies

**Implementation**

- How will the Policy affect local agencies and Water Board permitting requirements?
- What will be the extent of local agency control and implementation of the Policy?
- Will the Water Board apply the Policy differently in separate land-use settings (e.g. urban vs. rural) and watersheds (e.g. pristine vs. degraded)?
- How do the Policy's prescriptive solutions and watershed management plans relate to Total Maximum Daily Loads?
- The Policy needs to assess the capacity of local agencies to implement a comprehensive, watershed-based approach to stream protection.
- Local officials implementing Water Board policies need adequate training in watershed science to perform effectively.

- The Policy needs to clearly define stream systems elements (e.g. stream channel, intermittent stream, ephemeral stream, riparian vegetation, top of bank, riparian zone, etc.) to ensure consistency in implementation.
- The Water Board should create a minimum stream protection standard which local agencies must comply with.
- The Water Board should continue to review, comment and advise on General Plans, CEQA documents, and local ordinances.
- The Water Board's comments on local policy documents are influential and should be expanded.
- The Water Board should endorse model ordinances (e.g., stream setback ordinances).
- A weak Policy could hinder local stream protection efforts.

#### Permit Streamlining and Interagency Coordination

- The Policy should promote Water Board regulatory consistency to ensure predictable outcomes for permit applicants.
- Pre-approved guidelines and standards for streamside projects would give permit applicants guidance and expedite permitting process.
- Improved interagency cooperation (i.e. California Department of Fish and Game, US Army Corps of Engineers, Water Board, etc.) would streamline permitting.
- Permitting for restoration projects needs to be streamlined to facilitate implementation and reduce cost.
- Watershed partnership models have proven successful in streamline permitting and facilitating interagency cooperation. Examples of this include the Tomales Bay Watershed Council, the Wildcat-San Pablo Creek Watershed Council, and the Marin Project Coordination Committee.

#### Funding and Cost

- How will the Policy be funded?
- What resources (i.e. financial, technical) will be available for local jurisdictions to implement the Policy?
- What will be the costs for local agencies to comply with the Policy?
- The Water Board needs to explore creative funding opportunities.

#### Economics

- It is more efficient to protect stream systems as flood management and water quality enhancement zones than to build expensive traditional flood control channels and water treatment facilities to manage and treat storm runoff.
- The community benefits of flood control and recreation outweighs losses to individual property rights.
- Riparian setbacks limit the amount of developable land in a community.
- The Policy's economic analysis must be thorough and defensible to hold up as evidence in court.

#### Mitigation Requirements

- Will the Policy require mitigation for maintenance of existing facilities such as flood control infrastructure?
- Mitigation should not be required for restoration and environmentally progressive projects.

- Mitigation projects should be restored or constructed and proven successful before filling the impacted wetland.
- Mitigation requirements should consider cost and be realistically attainable given site conditions.
- The Policy needs to examine whether off-site mitigation can be considered a better alternative for the environment even when on-site mitigation is possible.

#### Enforcement

- How will the Water Board enforce Policy goals and ensure compliance at the local level?
- The Water Board needs to be more receptive to complaints of water quality violations.
- The Water Board should take stronger enforcement action against gross water quality violators.

#### Other

- The Policy description is too general to give any meaningful comments on policy alternatives, scope of CEQA review, and environmental impacts.
- The Water Board should promote and consolidate political support for the Policy to ensure success.
- The Water Board needs to proceed carefully to determine whether an Environmental Impact Report, negative declaration, or functional equivalent document is necessary to comply with CEQA requirements.
- Daytime Public Workshops and CEQA Scoping Meetings are not sufficient stakeholder outreach.

#### **Contact Information**

For more information about the proposed Stream and Wetlands System Protection Policy, or to submit comments (due May 31<sup>st</sup>, 2006) on the proposed amendment, you can contact Ben Livsey at [Blivsey@waterboards.ca.gov](mailto:Blivsey@waterboards.ca.gov) or 510-622-2308. Additional information can also be found on the Water Board website at <http://www.waterboards.ca.gov/sanfranciscobay/streamandwetlands.htm>.